

## SECOND DIVISION

[ G.R. No. 126875, August 26, 1999 ]

**HEIRS OF MARIANO, JUAN, TARCELA AND JOSEFA, ALL  
SURNAMED BRUSAS, PETITIONERS, VS. COURT OF APPEALS AND  
HEIRS OF SPOUSES INES BRUSAS AND CLETO REBOSA,  
RESPONDENTS.**

### D E C I S I O N

**BELLOSILLO, J.:**

This is a bitter dispute spanning more than two (2) decades of protracted legal entanglements and deep-seated enmity among the protagonists, even descending to their children, each claiming ownership over a 19-hectare land located in San Francisco, Baao, Camarines Sur. In view of the prolonged litigation, the original parties have since died and are now substituted by their heirs.

Petitioners, heirs of Juan, Mariano, Tarcela and Josefa, all surnamed Brusas, claimed that the disputed property, formerly a public land, was part of the 33-hectare land in the actual physical possession of their grandfather Sixto Brusas since 1924, having inherited the same from their great grandfather Pedro Brusas. Sometime in 1946 Sixto Brusas caused the property to be surveyed in the name of his five (5) children, namely, Juan, Ines, Mariano, Tarcela and Josefa. The survey was approved as Psu-116520.<sup>[1]</sup> As indicated in the survey plan the property was traversed by the Barit River, and the eastern portion thereof with an aggregate area of 19.8992 hectares was denominated as Lots 1 and 2, while the western portion measuring 13.2439 hectares was designated as Lots 3 and 4. In the same year, the property was subdivided among the five (5) children of Sixto Brusas. The partition was made lengthwise so that each heir would have access to the river and, as was the custom of the place, the distribution was made according to their age: the southernmost lot was assigned to Juan being the eldest, followed successively by Ines, Mariano, Tarcela and Josefa.<sup>[2]</sup> All of them purportedly took immediate possession of their respective shares.

On 17 July 1968 Ines Brusas applied for and was granted a free patent over Lots 1 and 2 of Psu -116520 with an aggregate area of 19.8992 hectares for which OCT No. 23356 was issued in her name. Thus, when Mariano Brusas and Josefa Brusas filed their sworn statements of landholdings in 1973 they supposedly discovered that their properties were already titled in the name of their sister Ines. The discovery triggered a controversy among the Brusas siblings and earnest efforts to settle the conflict before the barangay officials, the local police and the PC Provincial Commander proved futile.

Private respondents, heirs of Ines Brusas and Cleto Rebosa, denied on the other hand that Lots 1 and 2 were owned and possessed by their grandfather Sixto Brusas during his lifetime. They asserted that Ines Brusas was the absolute owner having

entered the property as early as 1924. Since then Ines Brusas and her husband Cleto Rebosa were clearing the land on their own by cutting down trees and removing their roots it being a forested area. In 1957 Ines Brusas applied for a free patent which was approved and the corresponding certificate of title issued in 1967.

Sometime in 1974 Ines Brusas filed a complaint for recovery of six (6) hectares of land alleging that her brothers and sisters forcibly entered and deprived her of that portion of the property.<sup>[3]</sup> Juan, Josefa, Mariano and Tarcela countered by instituting in the same court an action for reconveyance imputing fraud, misrepresentation and bad faith to Ines Brusas in using a forged affidavit to obtain title over Lots 1 and 2 despite full knowledge that she owned only 1/5 portion thereof.<sup>[4]</sup>

After the cases were consolidated trial dragged on for nineteen (19) years. The lower court finally rendered its decision in 1993 dismissing the complaint filed by Ines Brusas, declaring Lots 1 and 2 as the pro-indiviso property of the Brusas siblings, and ordering Ines Brusas to reconvey to her brothers and sisters their respective shares in the disputed property.

On appeal, however, the Court of Appeals in its Decision of 16 July 1996 reversed and set aside the decision of the trial court thus -

WHEREFORE x x x x the appealed decision is REVERSED and SET ASIDE and another judgment is hereby rendered as follows:

1. In Civil Case No. IR-1058, ordering defendants and/or their successors-in-interest to vacate the land described in paragraph 4 of the complaint and/or to deliver possession thereof to plaintiffs or their successors-in-interest;
2. Dismissing the complaint for reconveyance and damages in Civil Case No. IR-1059.

The Court of Appeals ratiocinated -

*Apart from the self-serving and bare allegations of appellees, no competent evidence was adduced to substantiate their claim of fraud on the part of Ines Brusas in her application for a free patent over the land in dispute. They submitted specimens of their signatures to the NBI office at Naga City for examination but failed to submit to the court the result thereof. Such failure indicates either that they did not pursue their request for examination or that, if they did, the result thereof is adverse to their cause.*

*It is significant to note that aside from the supposedly falsified affidavit, Exhibit 4, another affidavit was executed by Ines, together with Tarcela, Juan and Josefa, all surnamed Brusas, renouncing their rights to Lots 3 and 4 in favor of Mariano Brusas (Exhibit 11). Both appear to have been notarized by the same Notary Public on April 22, 1960. The existence of the two affidavits, Exhibits 4 and 11, strongly suggests that the Brusas recognized Ines Brusas as the sole claimant of Lots 1 and 2 and Mariano Brusas, the sole claimant of Lots 3 and 4.*

*There is likewise a presumption of regularity in the performance of official duty. There is no showing that the grant of a free patent in favor of Ines Brusas was predicated solely on the affidavit of waiver, Exhibit 4, or that without it her application would not have been given due course.*

*It must be borne in mind, in this regard, that the land in dispute was originally a public land. The occupation and cultivation thereof by Sixto Brusas, the father of Ines, Tarcela, Josefa, Juan and Mariano Brusas, did not make it a part of his hereditary estate. If he had complied with all the legal requirements for the grant of a free patent, he could have filed the corresponding application therefor. But he did not. Hence, he could not have transmitted ownership thereof to his heirs upon his death (citing Naval v. Jonsay, 50 O.G. 4792)*

Their motion for reconsideration having been denied by the Court of Appeals in its Resolution of 30 September 1996, petitioners now come to us through this petition for review.

The pivotal issues to be resolved are: *first*, who are the rightful owners of the disputed property - is it the heirs of Mariano, Juan, Josefa and Tarcela Brusas, whose claim of ownership is evidenced by a survey and subdivision plan; or, is it the heirs of spouses Ines Brusas and Cleto Rebosa, whose claim of ownership flows from an original certificate of title in the name of their parents, and covering the litigated property? And *second*, was there fraud on the part of Ines Brusas in causing the registration of the disputed land under her name thus entitling petitioners to the reconveyance of their shares therein?

It is a fundamental principle in land registration that the certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. A title once registered under the Torrens System cannot be defeated even by adverse, open and notorious possession; neither can it be defeated by prescription. It is notice to the whole world and as such all persons are bound by it and no one can plead ignorance of the registration.

[5]

The real purpose of the Torrens System of land registration is to quiet title to land and stop forever any question as to its legality. Once a title is registered the owner may rest secure without the necessity of waiting in the portals of the court, or sitting on the *mirador de su casa*, to avoid the possibility of losing his land.<sup>[6]</sup> Indeed, titles over lands under the Torrens system should be given stability for on it greatly depends the stability of the country's economy. *Interest reipublicae ut sit finis litium.*

This does not mean, however, that the landowner whose property has been wrongfully or erroneously registered in another's name is without remedy in law. When a person obtains a certificate of title to a land belonging to another and he has full knowledge of the rights of the true owner, he is considered guilty of fraud. He may then be compelled to transfer the land to the defrauded owner so long as the property has not passed to the hands of an innocent purchaser for value.<sup>[7]</sup>

In the instant case, the litigated property is still registered in the name of Ines Brusas, so that insofar as procedure is concerned, petitioners were correct in